IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 162 OF 2006
IN
FAMILY COURT APPEAL NO. 33 OF 2004

Jyoti Prakash Haswani .. Appellant.

V/s.

Prakash P. Haswani .. Respondent.
AND

Union of India .. Intervener.
(Applicant)

Ms. Jyoti P.Haswani in person-present.

Ms.S.Kantawala i/by M/s. Kantawala and Co. for the Respondent.

Mr.P.D. Salvi for the Intervener-Union of India.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 29th MARCH, 2007.

P.C.:

. This is an application on behalf of the Union of India. Our attention was drawn to the impugned order passed by this court on 24th June, 2004. By that order, impugned relief was granted in the following manner :

> Pending the hearing and final disposal of the Appeal, the Respondent be restrained by an order and injunction of this Honourable Court from

surrendering the suit Flat - Sanchi A/6, B.A.R.C.Colony, Anushakti Nagar, Mumbai -94.

2. That relief was granted as the first Respondent-Husband was employed with B.A.R.C. and provided with service quarters. The right of an employee to continue in the service quarters is until his superannuation and thereafter in terms of the rules in force.

3. Considering the above, the order dated 24the June, 2004 will have to be read in that context. In other words, it is open to the B.A.R.C., after the petitioner’s husband has superannuated and if additional time is given for occupation in terms of the rules, if so entitled, to take steps in law that they are entitled if the quarters are not vacated.

4. With the above observations, the application is disposed of.

5. Office to place the matter before the regular bench constituted to hear Family Appeal.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)